



Reprinted  
February 26, 2002

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## ENGROSSED SENATE BILL No. 249

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DIGEST OF SB 249 (Updated February 25, 2002 1:38 PM - DI 52)

**Citations Affected:** IC 6-1.1; IC 6-7; IC 36-8; noncode.

**Synopsis:** Property taxes. Establishes a property tax exemption for a nonprofit corporation that participates in the small business incubator program. Expands the purposes for which a city or town may use money in the cumulative capital improvement fund to: (1) design, develop, purchase, lease, upgrade, maintain, or repair computer equipment, software, networks, and access systems; (2) pay for the services of computer maintenance employees; (3) conduct in-service technology training; and (4) undertake Internet application development. Allows a unit or the trustees of a fire protection district to use money in a cumulative firefighting building and equipment fund to purchase land for use by the fire department or volunteer fire department.

**Effective:** January 1, 2000 (retroactive); July 1, 2002.

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**Lanane, Alting, Skillman**  
(HOUSE SPONSORS — HASLER, SAUNDERS, AYRES)

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January 7, 2002, read first time and referred to Committee on Governmental and Regulatory Affairs.

January 31, 2002, amended, reported favorably — Do Pass.

February 4, 2002, read second time, ordered engrossed. Engrossed.

February 5, 2002, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 11, 2002, read first time and referred to Committee on Local Government.

February 21, 2002, amended, reported — Do Pass.

February 25, 2002, read second time, amended, ordered engrossed.

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ES 249—LS 6633/DI 51+



Reprinted  
February 26, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## ENGROSSED SENATE BILL No. 249

A BILL FOR AN ACT to amend the Indiana Code concerning  
taxation.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 6-1.1-10-42 IS ADDED TO THE INDIANA CODE  
2       AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
3       JANUARY 1, 2000 (RETROACTIVE)]: **Sec. 42. (a) A corporation**  
4       **that is:**

5               **(1) nonprofit; and**

6               **(2) participates in the small business incubator program**  
7               **under IC 4-4-18;**

8       **is exempt from property taxation to the extent of tangible property**  
9       **used for small business incubation.**

10       **(b) A corporation that wishes to obtain an exemption from**  
11       **property taxation under this section must file an exemption**  
12       **application under IC 6-1.1-11.**

13       SECTION 2. IC 6-7-1-31.1 IS AMENDED TO READ AS  
14       FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 31.1. (a) The fiscal  
15       body of each city and the fiscal body of each town shall, by ordinance  
16       or resolution, establish a cumulative capital improvement fund for the  
17       city or town. Except as otherwise provided in subsection (c), the city or

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town may only use money in its cumulative capital improvement fund to:

- (1) purchase land, easements, or rights-of-way;
- (2) purchase buildings;
- (3) construct or improve city owned property; ~~or~~
- (4) **design, develop, purchase, lease, upgrade, maintain, or repair:**
  - (A) computer hardware;
  - (B) computer software;
  - (C) wiring and computer networks; and
  - (D) communications access systems used to connect with computer networks or electronic gateways;
- (5) pay for the services of full-time or part-time computer maintenance employees;
- (6) conduct nonrecurring in-service technology training of unit employees;
- (7) undertake Internet application development; or
- (8) retire general obligation bonds issued by the city or town for one (1) of the purposes stated in subdivision (1), (2), ~~or~~ (3), (4), (5), or (6).

(b) The money in the city's or town's cumulative capital improvement fund does not revert to its general fund.

(c) A city or town may at any time, by ordinance or resolution, transfer to:

- (1) its general fund; or
- (2) an authority established under IC 36-7-23;

money derived under this chapter that has been deposited in the city's or town's cumulative capital improvement fund.

SECTION 3. IC 36-8-14-2, AS AMENDED BY P.L.1-1999, SECTION 102, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) As used in this section, "emergency medical services" has the meaning set forth in IC 16-18-2-110.

(b) As used in this section, "volunteer fire department" has the meaning set forth in IC 36-8-12-2.

(c) The legislative body of a unit or the board of fire trustees of a fire protection district may provide a cumulative building and equipment fund under IC 6-1.1-41 for the following purposes:

- (1) The:
  - (1) purchase, construction, renovation, or addition to buildings; **or**
  - (2) **purchase of land;**



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1 used by the fire department or a volunteer fire department serving  
2 the unit.

3 (2) The purchase of firefighting equipment for use of the fire  
4 department or a volunteer fire department serving the unit,  
5 including making the required payments under a lease rental with  
6 option to purchase agreement made to acquire the equipment.

7 (3) In a municipality, the purchase of police radio equipment.

8 (4) The:

9 (1) purchase, construction, renovation, or addition to a  
10 building;

11 (2) **purchase of land; or the**

12 (3) purchase of equipment;

13 for use of a provider of emergency medical services under  
14 IC 16-31-5 to the unit establishing the fund.

15 (d) In addition to the requirements of IC 6-1.1-41, before a  
16 cumulative fund may be established by a township fire protection  
17 district, the county legislative body which appoints the trustees of the  
18 fire protection district must approve the establishment of the fund.

19 SECTION 4. [EFFECTIVE JANUARY 1, 2000 (RETROACTIVE)]

20 (a) **IC 6-1.1-10-42, as added by this act, applies only to property**  
21 **taxes first due and payable after December 31, 2000.**

22 (b) **This SECTION expires January 1, 2003.**

23 SECTION 5. **An emergency is declared for this act.**

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental and Regulatory Affairs, to which was referred Senate Bill No. 249, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 11, after "(4)" insert "**design, develop,**".

Page 2, line 3, delete "or".

Page 2, between lines 3 and 4, begin a new line block indented and insert:

**"(7) undertake Internet application development; or".**

Page 2, line 4, delete "(7)" and insert "**(8)**".

and when so amended that said bill do pass.

(Reference is to SB 249 as introduced.)

MERRITT, Chairperson

Committee Vote: Yeas 8, Nays 0.

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SENATE MOTION

Mr. President: I move that Senator Skillman be added as coauthor of Senate Bill 249.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Senate Bill 249, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, after line 16, begin a new paragraph and insert:

"SECTION 2. IC 36-8-14-2, AS AMENDED BY P.L.1-1999, SECTION 102, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) As used in this section, "emergency medical services" has the meaning set forth in IC 16-18-2-110.

(b) As used in this section, "volunteer fire department" has the meaning set forth in IC 36-8-12-2.

(c) The legislative body of a unit or the board of fire trustees of a fire protection district may provide a cumulative building and equipment fund under IC 6-1.1-41 for the following purposes:

(1) The:

**(1) purchase, construction, renovation, or addition to buildings; or**

**(2) purchase of land;**

used by the fire department or a volunteer fire department serving the unit.

(2) The purchase of firefighting equipment for use of the fire department or a volunteer fire department serving the unit, including making the required payments under a lease rental with option to purchase agreement made to acquire the equipment.

(3) In a municipality, the purchase of police radio equipment.

(4) The:

**(1) purchase, construction, renovation, or addition to a building;**

**(2) purchase of land; or ~~the~~**

**(3) purchase of equipment;**

for use of a provider of emergency medical services under IC 16-31-5 to the unit establishing the fund.

(d) In addition to the requirements of IC 6-1.1-41, before a cumulative fund may be established by a township fire protection district, the county legislative body which appoints the trustees of the

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fire protection district must approve the establishment of the fund".  
and when so amended that said bill do pass.

(Reference is to SB 249 as printed February 1, 2002.)

STEVENSON, Chair

Committee Vote: yeas 7, nays 0.

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## HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 249 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-10-42 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JANUARY 1, 2000 (RETROACTIVE)]: **Sec. 42. (a) A corporation that is:**

**(1) nonprofit; and**

**(2) participates in the small business incubator program under IC 4-4-18;**

**is exempt from property taxation to the extent of tangible property used for small business incubation.**

**(b) A corporation that wishes to obtain an exemption from property taxation under this section must file an exemption application under IC 6-1.1-11."**

Page 3, after line 6, begin a new paragraph and insert:

"SECTION 4. [EFFECTIVE JANUARY 1, 2000 (RETROACTIVE)] **(a) IC 6-1.1-10-42, as added by this act, applies only to property taxes first due and payable after December 31, 2000.**

**(b) This SECTION expires January 1, 2003.**

**SECTION 5. An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 249 as printed February 22, 2002.)

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